

ORDINANCE NO. OR-1968-15

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AS HERETOFORE AMENDED BY AMENDING SECTIONS 2200.S, 4400.B AND 7800.B OF SAID ORDINANCE REGARDING SOLAR PANEL SYSTEMS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Planning and Zoning Commission and the governing body of the City of Mansfield, Texas, in compliance with the laws of the State of Texas with reference to the amendment of the Comprehensive Zoning Ordinance of the City of Mansfield, Texas (hereinafter "the Zoning Ordinance"), have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all interested citizens, the governing body of the City is of the opinion and finds that the Comprehensive Zoning Ordinance should be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS:

SECTION 1.

That Section 2200.S of the Zoning Ordinance is hereby amended by inserting a new Paragraph 5 to read as follows, and renumbering the existing Paragraphs 5 through 11 to Paragraphs 6 through 12:

- "5. Solar panel systems: - A combination of equipment and/or controls, accessories, interconnecting means and terminal elements for the collection, storage and distribution of solar energy. Solar panel systems do not include individually powered outdoor solar lights, such as garden lights, accent lights, security lights, or flood lights."

SECTION 2.

That Section 4400.B of the Zoning Ordinance, "Permitted Use Table," is hereby amended by amending Table A, "Accessory Residential Uses," as shown in Exhibit "A" attached hereto and made a part hereof for all purposes.

SECTION 3.

That Section 7800.B, "Special Conditions," of the Zoning Ordinance is hereby amended by adding a new Paragraph 37 to read as follows:

- "37. Solar panel systems shall conform to the following requirements:

- a. Solar panel systems shall meet all applicable codes and ordinances and shall be installed only after issuance of a building permit.
- b. Roof-mounted solar panel systems shall comply with the following:
 1. Solar panel systems shall be permitted on the roof of a building provided that the panels are not located on a front or side roof slope facing any public street or a rear roof slope facing a street with four or more lanes as shown in the Thoroughfare Plan.
 2. Solar panel systems shall have a top edge that is parallel to the roof ridge and shall conform to the slope of the roof.
 3. Solar panel systems may be located on any roof slope of an accessory building or structure, such as a patio cover or detached garage, subject to the regulations in this Sub-section b, Paragraphs 2 and 5.
 4. Solar panel systems mounted on flat roofs shall not exceed the maximum height permitted within the zoning district and shall be screened in accordance with Section 7301.A of this ordinance.
 5. Solar panel systems shall be positioned on the roof so as not to extend above or beyond the edge of any ridge, hip, valley, or eave.
- c. Ground-mounted solar panel systems shall comply with the following:
 1. A ground-mounted solar panel system is not permitted as the primary use of a property.
 2. On residential property, ground-mounted solar panel systems shall comply with the maximum square footage and minimum setback requirements for residential accessory buildings and structures. On non-residential property, ground-mounted solar panel systems shall comply with the minimum setback requirements for non-residential buildings and structures and shall not be located within any required buffer yard or parking space.
 3. Ground-mounted solar panel systems shall not be located between a property line abutting a street and the building.
 4. Masonry and architectural requirements shall not apply to ground-mounted solar panel systems.
 5. Ground-mounted solar panel systems on residential property shall be screened from view of the street or adjacent properties by an opaque screening fence. Except in the I-1 and I-2 Zoning Districts, ground-mounted solar panel systems on non-residential property shall be

screened from view of the street and adjacent properties by a screening wall constructed of materials that match the predominant material used on the building.

6. The maximum height of ground mounted solar panel systems shall not exceed the height of the required opaque fence and in no case shall exceed eight (8) feet.
7. Long lengths of conduit and wiring associated with the system's connection to the primary electrical panel shall be placed underground.
- d. Supporting equipment for solar panel systems, including power conditioning equipment such as batteries for electricity storage and stand-by gasoline electric generators shall be located behind the building and shall be screened by an opaque screening device, except that wall-mounted inverters may be located next to the electric meter.
- e. Solar panel systems shall be installed in conformance with all applicable City codes and ordinances, including the 2015 International Fire Code and future amendment thereof.
- f. On residential lots or tracts of two (2) acres or larger, roof-or ground-mounted solar panel systems may face a public street provided that the solar panel system is located at least three hundred (300) feet from any street right-of-way line. An opaque fence shall not be required to screen ground-mounted solar panel systems meeting this provision.
- g. Solar panel systems incorporated into building materials such as roof shingles or tiles, windows, siding, or other architectural features integral to a building's design and are reasonably indistinguishable from traditional building materials may be installed on any roof or façade of the building. The eligibility of a solar panel system under this paragraph shall be subject to the determination of the Director of Planning.
- h. The City Council may approve an alternate location than specified in this Section for a roof-mounted or ground-mounted solar panel system at one (1) meeting after holding a public hearing. Written notice of the hearing shall be sent to owners of real property, as they appear on the last approved tax roll, situated within two hundred (200) feet of the exterior boundary of the property on which the solar panel system is requested at least ten (10) days prior to the date of the hearing. Notice of the hearing shall also be published in the official newspaper of the City of Mansfield at least ten (10) days prior to the date of the hearing.

SECTION 4.

That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 5.

Should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the Zoning Ordinance as a whole.

SECTION 6.

Any person, firm or corporation violating any of the provisions of this ordinance or the Zoning Ordinance, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the Municipal Court of the City of Mansfield, Texas, shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

SECTION 7.

This ordinance shall take effect immediately from and after its passage on third and final reading and the publication of the caption, as the law and charter in such cases provide.

FIRST READING APPROVED ON THE 27TH DAY OF JULY, 2015.


SECOND READING APPROVED ON THE 10TH DAY OF AUGUST, 2015.

DULY PASSED ON THE THIRD AND FINAL READING BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THIS 28TH DAY OF SEPTEMBER, 2015.



David L. Cook, Mayor

ATTEST:



Vicki Collins, City Secretary

APPROVED AS TO FORM AND LEGALITY



City Attorney

Exhibit "A"

[illegible]